

REMARKS

1. Claims 35-42, 51-66 and 70 – 72 are currently pending in the application. Claims 35, 51 and 59 are amended herein. No new matter has been added.

Claim Rejection under 35 U.S.C. § 112, first paragraph

2. The Examiner has rejected all pending claims under 35 U.S.C. § 112, first paragraph. With regard to claims 35 – 42 and 51 – 66, the Office Action states “that there is not adequate support for [a] system performing the steps comprising determining whether the money market fund is fully credited.” (Office Action, p. 2). The Office Action further states that “nowhere in the specification is there a representation of a system comprising memory and at least one processor as recited in [claims 35, 51 and 59]”. (Office Action, p. 5). With regard to claims 70 – 72, the Office Action refers to its rejection of claims 35, 51 and 59 and further states that “the specification contains no support for the computer executable instructions which provide liquidity to a financial transaction by crediting a term note or money market note based on the money market note being fully credited or not. No mention is made in the specification regarding who or what determines whether the money market note is fully credited.” (Office Action, p. 5 – 6).

3. Applicants respectfully submit that all pending claims comply with 35 U.S.C. § 112, first paragraph.

As admitted in the Office Action at page 3, “[the subject matter of the claim need not be described literally (i.e., using the same terms or in haec verba) in order for the disclosure to satisfy the description requirement.” See MPEP 2163.02. Instead, the specification must show that the applicant was in possession of the claimed invention. See MPEP 2161.01. Further, the written description requirement does not require the specification to describe or define claim limitations known to those of ordinary skill. “What is conventional or well known to one of ordinary skill in the art need not be disclosed in detail. . . . If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met.” MPEP 2163(II)(A)(3)(a).

Applying these principles to the present case, while the specification does not use the terms “computer”, “memory”, “processor”, “computer readable storage medium”, or “computer executable instructions”, this clearly is not dispositive of the issue, as the subject matter of the claim need not be described literally in the specification, or using the same terms.

Additionally, the inventors were in possession of the claimed invention when the application was filed, as evidenced by the detailed description of how the method of providing liquidity is carried out, as well as the reference to the fact that the collecting and crediting steps can be performed electronically, and data relating to the notes is stored electronically. *See* page 4, lines 16-20 (“A ‘collection’ is a receipt of a payment from a payor. The collection represents a transfer of money, but the transfer does not necessarily, literally, involve a movement of cash. The transfer may be represented by a journal entry, which in turn, may be represented in an electronic format, e.g., an electronic funds transfer.”); page 4, lines 22-25 (“A ‘credit’ is an allocation of money to, or for the benefit of, an entity. In practice, the credit need not be an actual movement of cash, but may be represented by a journal entry for an account, which in turn, may be represented in an electronic format.”); page 5, lines 12-17 (“Money market note 130 and term note 140 are financial securities. As such, they may be embodied in a tangible form, such as a certificate, or in an electronic form, such as a data record or file associated with an account. In any case, the arrangement described herein can be memorialized by provisions in, or otherwise associated with, money market note 130 and term note 140, or in a separate document or contract.”).

Further, that the claimed steps are carried out by a processor executing a program (as in claims 31, 35, and 59) or through instructions stored on a computer readable storage medium and executed on a computer (as in claims 70-72), is disclosed in the specification and the details of which would be known by one skilled in the art in view of the disclosure in the specification. In particular, the specification makes clear that the collecting and crediting may be accomplished electronically. Such activities, if conducted electronically, must *necessarily* be performed through instructions executed by a computer. Electronic transfers cannot be performed without using computers.

Finally, with regard to the Examiner's position that the specification does not state how or what determines whether the money market note is fully credited, Applicants respectfully disagree. In particular, page 5, lines 12-17 of the specification provide that "[m]oney market note 130 [is a] financial securit[y that] may be embodied . . . in an electronic form, such as a data record or file associated with an account." Further, page 4, lines 22 – 25 of the specification provide that "[a] 'credit' is an allocation of money to, or for the benefit of, an entity. In practice, the credit need not be an actual movement of cash, but may be represented by a journal entry for an account, which in turn, may be represented in an electronic format." If the terms of the money market note are embodied in electronic format, such as a data record, and the credit is represented in electronic format, then a computer must *necessarily* be involved in determining the extent to which the principal of the money market note is fully credited.

Applicants therefore respectfully submit that, for at least the above reasons, there is adequate written description. Applicants submit that rejection of claims under 35 U.S.C. § 112, first paragraph, should be reconsidered and withdrawn.

CONCLUSION

In view of the foregoing Amendment and remarks, Applicants respectfully submit that all pending claims are in condition for allowance and such action is respectfully requested.

The Director is hereby authorized to charge any necessary fees, including extension fees under 37 C.F.R. § 1.17(a), or credit any overpayments in connection with this submission to Deposit Account No. **50-0310** (Billing No. 101612-5026US).

Respectfully submitted,
MORGAN, LEWIS & BOCKIUS LLP

Date: May 26, 2010 By: /Alison B. Weisberg/
JOHN L. HEMMER
Registration No. 58,752
ALISON B. WEISBERG
Reg. No. 45,206
Attorneys for Applicants

MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103-2921
Telephone: (215) 963-5000
Direct Dial: (215) 963-5091
Facsimile: (215) 963-5001